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12 James R. Glidewell Dental Ceramics, Inc.
13 d/b/a Glidewell Laboratories

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16 SOUTHERN DIVISION

17 JAMES R. GLIDEWELL DENTAL
18 CERAMICS, INC.,

19 Plaintiff,

20 vs.

21 KEATING DENTAL ARTS, INC.,

22 Defendant.

Case No. SACV11-01309-DOC(ANx)

**DECLARATION OF JACOB
TRACHSEL IN SUPPORT OF
JAMES R. GLIDEWELL DENTAL
CERAMICS, INC.'S MOTIONS FOR
SUMMARY JUDGMENT**

Hearing

Date: December 17, 2012

Time: 8:30 a.m.

Ctrm: 9D, Hon. David O. Carter

Pre-Trial Conf.: January 28, 2013

Jury Trial: February 26, 2013

23 AND RELATED
24 COUNTERCLAIMS.

1 I, Jacob Trachsel, declare as follows:

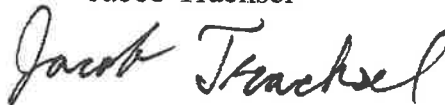
2 1. I am the Business Development Manager of Trachsel Dental Studio
3 ("Trachsel Dental") and have held this position for the last three years. Unless
4 otherwise stated, I have personal and firsthand knowledge of the facts set forth in
5 this declaration, and I could and would testify competently to such facts if called as
6 a witness.

7 2. I understand that Keating Dental Arts, Inc. contends that Trachsel
8 Dental's prescription forms refer to "BRUXZIR" as a generic term for a type
9 of crown. This is incorrect. The box next to "All Zirconia BruxZir ®" refers
10 to a specific brand of crown, i.e., BruxZir brand full contour zirconia crowns,
11 as indicated by the use of the ® symbol next to BruxZir. As I understand the
12 term, "BruxZir" does not refer to a type of crown, but rather to a particular brand
13 of full contour zirconia crown available only from Glidewell and other dental
14 laboratories authorized by Glidewell to offer genuine BruxZir brand product.

15 3. My understanding concerning the source-identification function of the
16 BruxZir mark is reinforced and reflected by the fact that on the portion of Trachsel
17 Dental's company website identifying "Products," we place the ® symbol next to
18 the use of the BruxZir mark for brand crowns and bridges, to indicate that the term
19 is a registered trademark.

20 I declare under the penalty of perjury under the laws of the United States
21 of America that the foregoing is true and correct, and that this declaration was
22 executed on November 30, 2012, at Rochester, Minnesota.

23
24
25 Jacob Trachsel

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Snell
&
Wilm
er
— L.L.P.

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Glidewell Laboratories v. Keating Dental Arts, Inc.
United States District Court, Central, Case No. SACV11-01309-DOC (ANx)

CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2012, I electronically filed the document described as **DECLARATION OF JACOB TRACHSEL IN SUPPORT OF JAMES R. GLIDEWELL DENTAL CERAMICS, INC.'S MOTIONS FOR SUMMARY JUDGMENT** with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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Dated: December 3, 2012

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